

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA

Spirit Airlines, Inc.,

Civil Action File No. \_\_\_\_\_

Plaintiff,

07-60399

vs.

24/7 Real Media, Inc., Advertising.com, Inc.,  
America Online, Inc. dba AOL, Burst Media  
Corporation, Carrollton Bank, CheapFlights  
(USA), Inc., Echo Target, Inc., Hotwire, Inc.,  
Intercept Interactive, Inc., Priceline.com, LLC,  
Rackspace, Ltd., Shermans Travel, Inc., SideStep,  
Inc., Smarter Living, Inc., SpecificMedia, Inc.,  
Travel Marketing Group, Inc., TravelZoo, Inc.,  
Tribal Fusion, Inc., TripAdvisor LLC,  
Valueclick, Inc., and The Weather Channel  
Interactive, Inc., and all other persons  
or entities unknown claiming any right, title  
or interest to the funds described in the  
Complaint herein,

CIV-ALTONAGA  
MAGISTRATE JUDGE  
TURNOFF

Defendants.

SUMMONS IN A CIVIL CASE

TO: Shermans Travel, Inc.  
c/o James Sherman, Registered Agent of Shermans Travel, Inc.  
56 West 88<sup>th</sup> Street  
New York, NY 10024

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY

Local Counsel for Spirit Airlines, Inc.

Anthony Carriuolo (FL Bar No. 434541)  
BERGER SINGERMANN  
350 East Las Olas Boulevard, Suite 1000  
Fort Lauderdale, FL 33301  
954-525-9900 (phone)  
954-523-2872 (fax)

AND

Connie A. Lahn (MN Bar No. 0269219)  
Lara O. Glaesman (MN Bar No. 316866)  
FAFINSKI MARK & JOHNSON, P.A.  
Flagship Corporate Center  
775 Prairie Center Drive, Suite 400  
Eden Prairie, MN 55344  
952-995-9500 (phone)  
952-995-9577 (fax)

an answer to the complaint which is herewith served upon you, within twenty days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time.

Clarence Maddox

Clerk

(By) Deputy Clerk

MAR 21 2007

Date

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA Attorney: 111 - 97

SPIRIT AIRLINES, INC.

Index #: 07-60399

Plaintiff(s)

- against -

Date Filed:

24/7 REAL MEDIA, INC. ET AL

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on June 13, 2007 at 01:43 PM at

255 WEST 36TH STREET 15TH FLOOR  
NEW YORK, NY10018

deponent served the within true copy of the SUMMONS & COMPLAINT on SHERMANS TRAVEL, INC., the defendant/respondent therein named,


**CORPORATION** by delivering thereat a true copy of each to MS. TANYA DIAZ personally, deponent knew said corporation so served to be the corporation described in said SUMMONS & COMPLAINT as said defendant/respondent and knew said individual to be the GENERAL AGENT thereof.

Deponent further states that he describes the person actually served as follows:

| <u>Sex</u>    | <u>Skin Color</u> | <u>Hair Color</u> | <u>Age (Approx.)</u> | <u>Height (Approx.)</u> | <u>Weight (Approx.)</u> |
|---------------|-------------------|-------------------|----------------------|-------------------------|-------------------------|
| <u>FEMALE</u> | <u>BROWN</u>      | <u>BROWN</u>      | <u>33</u>            | <u>5'0</u>              | <u>125</u>              |

Sworn to me on: June 14, 2007

Linda Forman  
Notary Public, State of New York  
No. 01FO5031305  
Qualified in New York County  
Commission Expires August 1, 2010

  
Robin M. Forman  
Notary Public, State of New York  
No. 01FO6125415  
Qualified in New York County  
Commission Expires April 18, 2009

Larry Yee  
Notary Public, State of New York  
No. 01YE5015682  
Qualified in New York County  
Commission Expires July 26, 2009

BYRAN E. MCELDERRY

License #: 869802

Docket #: 484151

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

Attorney: 111-97

SPIRIT AIRLINES, INC.

Index #: 07-60399

Plaintiff(s)

- against -

Date Filed:

24/7 REAL MEDIA, INC. ET AL

Defendant(s)

AFFIDAVIT OF DUE DILIGENCE

STATE OF NEW YORK COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

111 requested that I serve a copy of the SUMMONS & COMPLAINT in the above action for personal service upon SHERMANS TRAVEL, INC. at

C/O JAMES SHERMAN, REGISTERED AGENT OF SHERMANS TRAVEL, INC.  
56 WEST 88TH STREET  
NEW YORK, NY 10024

Your deponent made proper and diligent effort to serve said process on the above named person(s). I went to the aforementioned address on

May 12, 2007 at 08:42 AM, May 8, 2007 at 1:14 PM, May 3, 2007 at 10:08 AM, April 30, 2007 at 7:12 PM, April 25, 2007 at 9:14 PM, April 23, 2007 at 3:07 PM, April 19, 2007 at 11:17 AM, April 16, 2007 at 1:26 PM, April 12, 2007 at 8:04 AM, April 10, 2007 at 2:06 PM, April 5, 2007 at 10:29 AM and was unable to serve the defendant / respondent. At the given address is a residential town house. I was unable to find anyone home or available to accept service on all occasions attempted.

Your deponent verily believes that he will be unable to effect personal service upon the above named person(s) herein, although your deponent made due and diligent efforts to effect same.

Sworn to me on: May 15, 2007

Linda Forman  
Notary Public, State of New York  
No. 01FO5031305  
Qualified in New York County  
Commission Expires August 1, 2010

Robin M. Forman  
Notary Public, State of New York  
No. 01FO6125415  
Qualified in New York County  
Commission Expires April 15, 2008

Larry Vee  
Notary Public, State of New York  
No. 01YE5015682  
Qualified in New York County  
Commission Expires July 26, 2009

BYRAN E. MCELDERRY  
License #: 869802  
Docket #: 471288